IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG.) NO.2662 OF 2004

Happy Home Co-op. Hsg. Society (Proposed) ..Petitioner.
Vs.
Mumbai Municipal Corporation & Ors. .. Respondents.

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Mr. Shailesh Shah with Mr. Abhay Patki for the petitioner.

Mr. D.H. Mehta with Ms. A.K. Savla for respondent Nos.1 to 4.

Mr. Shekhar Naphade with Mr. Y.M. Chaudhary for respondent No.5.

Mr. A. Sayed, AGP for respondent No.6.

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CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

7th October, 2004.

P.C. :

1. The petitioner has filed this petition with a prayer that the order dated 25th August, 2004 passed by the Corporation be set aside. The order reads as under :

> "This office N.O.C. for the above proposal in the form of Annexure-II is enclosed herewith. You are requested to submit the proposed scheme of redevelopment of the above property in the form of Annexure-I and III alongwith plans and scrutiny fees of Rs.1,000/-.

Further, you are requested to direct the members of the society to finalize the pending, transfer matters if any by following the procedure laid down by the Corporation. Also direct the members to clear upto date arrears of rent, if any.

You are also requested to direct the Society to furnish the information of the Developer in the accompanying proforma alongwith required documents."

2. The learned counsel appearing for the Corporation submits that respondent No.5 has complied with all the necessary conditions and thereafter the permission for redevelopment of the property bearing C.S. No.442(pt), 444(pt), 447(pt) and 625(pt) of Parel Sewree, Division known as New Sewree Labour Camp of Parel at D.G. Mahajani Path in F/South Ward, Pariwar Safalya Co-operative Housing Society (proposed) was granted.

3. The learned counsel appearing for the Corporation has made a categoric statement that at no point of time the petitioner has fulfilled the requisite condition. Therefore, there was no question of granting permission to the petitioner.

4. In view of the statement made by the learned counsel for the Corporation, we see no merit in the petition. The petition, being devoid of any merit, is dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.